



**Submission by Equality Rights Alliance
in response to the Not-for-Profit Sector
Development Blueprint Issues Paper**

20 December 2023

Equality Rights Alliance

Equality Rights Alliance (ERA) is Australia's largest network of organisations advocating for women's economic security, women's leadership and recognition of women's diversity. We bring together 68 non-government organisations and social enterprises with a focus on the impact of policy or service delivery on women. ERA uses a human rights framework to advance gender equality in Australia.

ERA is one of the six National Women's Alliances, funded by the Department of Prime Minister and Cabinet through the Office for Women.

We would be happy to clarify or expand on this submission. Please contact Helen Dalley-Fisher at era@ywca.org.au or on 0413 065 822 if you have any questions.

Recommendations:

1. The Blueprint should address the need to recognise and make provision for the labour provided by community members in co-design and consultation processes.
2. The Blueprint should emphasise the need for funded, sustainable mechanisms for ongoing community consultation to assist in the effective design of programs and services.
3. Legislate a definition of Public Benevolent Institution which explicitly includes organisations which primarily engage in activities aimed at:
 - a. changing laws, structures, policies and social practices which enable or promote disadvantage to or the marginalisation of certain populations or groups of people;
 - b. bringing to governments the concerns of individuals who experience discrimination or disadvantage or whose human rights are being denied or impinged upon; and

- c. monitoring government policies and activities with the intention of protecting the human rights of individuals or groups of people.
4. fund research in the areas identified in the *National Strategy for Volunteering*, particularly research into the relationship between volunteering and gender.

We also support ACOSS' recommendations in their 2023 report '*At the precipice: Australia's community sector through the cost-of-living crisis, findings from the Australian Community Sector Survey*' particularly the following recommendations:

5. Fund the full cost of service delivery, including infrastructure, management, workforce development and administration costs in all Commonwealth grants and contracts for community services.
6. Apply equitable and transparent indexation to all grants and contracts for community sector organisations, that reflects the actual increase in costs incurred by funded organisations. Ensure providers are notified in a timely manner and rates are published annually.
7. Guarantee necessary funding for pay decisions made by the Fair Work Commission affecting the community sector. The Federal Government must guarantee it will fund any relevant pay rises and improved workplace conditions for the community sector workforce arising from decisions made by the Fair Work Commission.

Introduction

ERA welcomes this opportunity to provide comments in response to the *Not-for-Profit Sector Development Blueprint Issues Paper* prepared by the Blueprint Expert Reference Group. We look forward to a continuing conversation beyond this submission.

ERA is a program of YWCA Australia, funded by a grant from the Department of Prime Minister and Cabinet through the Office for Women's National Women's

Alliances program. Our membership primarily consists of not-for profit organisations (NFPs) receiving funding from a range of sources, most of which engage in some level of change advocacy work aimed at preventing or reducing disadvantage or in community development work. The NFPs in our membership have memberships and workforces which are strongly female dominated. We bring this experience to our consideration of the matters raised in the issues paper.

3.1.1 What core principles of service design and delivery might a sector Blueprint commit to?

Co-design and strong consultation processes are generally agreed to be critical to successful program design. However, it is important to understand that co-design and consultation processes can have significant gendered impacts. Australia has a long history of using the labour of women without remuneration or recognition, especially in care work. Consultation on community needs is a type of care work, and it is no accident that we tend to rely on NFPs in the women-dominated community sector to provide this labour. When engaging service users and others in design processes, it's important to recognise this labour and make provision for it.

Maintaining funded, ongoing consultation structures in key communities is one way to bring service users and others into the design process without increasing pressure in those communities. A network of funded, continuing entities tasked with building and maintaining a two-way communication pipeline between government and community should be considered essential government infrastructure. The National Women's Alliances are one example of such a structure, but we note that different models will be required for different communities. The need for these structures was recognised in the context of gender equality by the Women's Economic Equality Taskforce, which recommended the resourcing of:

“critical women’s advocacy work, such as the National Women’s Alliances or similar models, to provide a consultative mechanism to elevate the voices of diverse women and girls around the country. These advocacy groups should also provide advice on policy priorities to improve women’s economic equality and life outcomes, including by working with the

National Women’s Economic Equality Advisory Body (recommendation 1.4).”¹

Co-design and consultation processes may not be appropriate or available in situations where an urgent response is needed, such as during the recent pandemic. Funding ongoing infrastructure to provide urgent advice on policies and programs will be increasingly important as climate change and the globalised economy bring more frequent pandemics and climate-related weather events. In a permacrisis environment, robust mechanisms for obtaining up-to-date and expert advice about community need will become necessary as governments and NFPs move quickly to develop programs and mobilise resources in response to crisis conditions.

The on-going role of community building should also be considered. Properly resourcing NFPs such as the National Women’s Alliances to identify emerging need and potential solutions as a core function will reduce some of the burden of relying on direct consultation with service users, as those Alliance structures can source the relevant views in the course of other community building activities, such as the provision of training, the establishment of community support groups etc. In this way, the participation of service users or people unable to access services is partly compensated through the provision of other benefits. In other situations, it may be necessary to directly compensate participants in design processes, especially where the program in question is aimed at alleviating economic disadvantage.

Recommendations:

- 1. The Blueprint should address the need to recognise and make provision for the labour provided by community members in co-design and consultation processes.**
- 2. The Blueprint should emphasise the need for funded, sustainable mechanisms for ongoing consultation to assist in the effective design of programs and services.**

¹ Women’s Economic Equality Taskforce *The Women’s Economic Equality Taskforce final report to government* October 2023 Recommendation 7.4 <https://www.pmc.gov.au/news/womens-economic-equality-taskforce-final-report-government>

3.1.3 What would an outcomes-focused approach look like in your area(s) of work? What would be needed to move towards this and what unanticipated consequences should government and the sector consider?

There is an inherent complexity in setting objectives and measurable outcomes for long-term advocacy and community building work. Change advocacy and community building work often involves shifting people's values to address discriminatory practices or remove barriers. This work may be conducted at community level (such as organisations in migrant communities working to change attitudes on dowry abuse), or at government level (such as building an understanding of unconscious bias in parliamentarians and policy designers to support gender responsive budgeting), or in other structures (such as educating judges about controlling behaviours in family law cases).

The outcomes of such work may depend on factors outside the control of the NFP; in the case of advocacy for legislative reform or policy change, outcomes may be dependent on legislative timetables, disrupted by election cycles or simply pushed to one side by competing priorities. Like values change work, legislative and policy advocacy work may be incremental and slow moving.

In this type of work, grant designers must be prepared to accept long timelines, as values change is usually slow. There is a structural tension here as funders (particularly governments) are under pressure to demonstrate success in a short political cycle.

The answer lies in setting both short and long-term goals. The most immediate goals might relate to completing a program design process, followed by a set of goals relating to roll out of the program, with long-term goals capturing actual attitudinal change as a result of the program. To make this work, contract lengths and funding must be sufficient to permit robust monitoring and evaluation of programs and the collection of relevant data. This is currently not a focus area for many grants.

4.1.1 How can the role of advocacy by NFP organisations be better embedded and preserved in policy and legislation?

Section four of the issues paper sets out the critical role played by NFPs in providing advocacy to governments and the public. Interestingly, the issues paper doesn't differentiate between NFPs which engage in advocacy as a secondary activity to providing services directly to individuals or communities, and those organisations which exist specifically to engage in advocacy or to contribute to public and political debate or discussion. Many NFPs (including the National Women's Alliances) play the latter role, drawing on networks of individuals or other NFPs and expert research to inform government policy and legislation and to advocate for better outcomes for populations at a structural level.

Service provision to individuals is critical to alleviating immediate need. However, individual service provision is not the most efficient approach to ending discrimination or distress for groups of individuals. Addressing the core drivers of inequality and discrimination is a far more effective and efficient approach to reducing need in a community. As Archbishop Desmond Tutu famously put it: *"There comes a point where we need to stop just pulling people out of the river. We need to go upstream and find out why they're falling in."*

The United Nations uses the term civil society organisation (CSO) to describe organisations which *"bring citizens' concerns to Governments," "monitor policies," "encourage political participation at the community level," "provide analysis and expertise"* and *"help monitor and implement international agreements."*² These are all activities which are critical to building healthy democracies and promoting and protecting the human rights of individuals. In this section we have used the term CSO to refer to NFPs which exist solely or primarily to perform such a role.

The definition of Public Benevolent Institution (PBI) currently operates to exclude CSOs unless their advocacy and reform activities are ancillary to the provision of benevolent relief. CSO organisations may therefore be ineligible for Deductible Gift Recipient (DGR) status and other benefits under the *Income Tax*

² See for example: [https://www.un.org/en/civil-society/page/about-us#:~:text=A%20civil%20society%20organization%20\(CSO,local%2C%20national%20or%20international%20level.](https://www.un.org/en/civil-society/page/about-us#:~:text=A%20civil%20society%20organization%20(CSO,local%2C%20national%20or%20international%20level.)

Assessment Act 1997 (Cth) and the *Fringe Benefits Tax Assessment Act 1986* (Cth).

In addition to the tax implications, we note that the current PBI definition is influential beyond the scope of the Australian Tax Office and the Australian Charities and Not-for-profits Commission in unexpected and sometimes unhelpful ways. The recent issues paper *A Stronger, More Diverse Community Sector* prepared by the Department of Social Services used a definition of community sector organisations which replicated the preference for direct service provision which underlies the PBI definition. It defined ‘community services’ as those that ‘*provide support and assistance to individuals, families and groups to maximise their potential and enhance community*’ and defined ‘community sector organisations’ as organisations which engage in “*...activities, facilities or projects for the benefit or welfare of the community...*”³ As a result, that issues paper (possibly inadvertently) failed to adequately incorporate CSOs.

We note that the scope of the PBI definition is currently the subject of a Federal Court appeal of the recent decision of the Administrative Appeals Tribunal in *Equality Australia Ltd v The Commissioner of the Australian Charities and Not-for-profits Commissioner*.⁴ However, in our view the definition of PBI should be amended to include CSOs, specifically organisations which engage in activities aimed at:

- changing laws, structures, policies and social practices which enable or promote disadvantage to or the marginalisation of certain populations or groups of people;
- bringing to governments the concerns of individuals who experience discrimination or disadvantage or whose human rights are being denied or impinged upon; and
- monitoring government policies and activities with the intention of protecting the human rights of individuals or groups of people.

³ Department of Social Services *A Stronger, More Diverse Community Sector* pg. 9 <https://engage.dss.gov.au/a-stronger-more-diverse-and-independent-community-sector/a-stronger-more-diverse-and-independent-community-sector-issues-paper/>

⁴ [2023] AATA 2161 (30 June 2023)

Recommendation:

- 3. Legislate a definition of Public Benevolent Institution which explicitly includes organisations which engage in activities aimed at:**
 - a. changing laws, structures, policies and social practices which enable or promote disadvantage to or the marginalisation of certain populations or groups of people;**
 - b. bringing to governments the concerns of individuals who experience discrimination or disadvantage or whose human rights are being denied or impinged upon; and**
 - c. monitoring government policies and activities with the intention of protecting the human rights of individuals or groups of people.**

5.1.5 How should the NFP Blueprint support the goals and required reforms for the National Strategy for Volunteering?

The issues paper observes that volunteering is a westernised concept which can obscure the community contributions of Indigenous peoples and migrants people. However, it does not recognise that the concept of formal volunteering is also based in patriarchal assumptions about work by men and women. Formal volunteering is generally understood to involve unremunerated work performed in connection with an identifiable structure or entity. Like the unpaid community work of Aboriginal and Torres Strait Islander people and migrants, the unpaid work of women is often not considered volunteering where it takes place in the home or in the context of a personal relationship, despite often involving identical activities and skills. Thus, a woman who is providing care for her father in an aged care facility would not be considered a volunteer, even where she is performing identical activities to volunteers from a local church working in the same facility.

For women, the most visible categories of this unpaid / volunteering work include care for children and grandchildren, care for aging parents and care for people (including but not limited to family members) with disability. Less visible is the work done by women in providing organisational and emotional support

to family members, friends, and communities. This includes work on the project management aspects of family life (keeping track of birthdays, arranging appointments for children and aging parents, monitoring and mediating the mental and physical health of family members etc) along with informal community-based work such as keeping an eye on older neighbours and dedicating time to supporting and listening to friends and family.

This second category of project management and emotional work will become increasingly important as communities are placed under stress through climate-related disasters. The fact that women are more likely than men to have been socialised to identify and prioritise the needs of others means that in times of crisis we rely heavily on women to provide emotional support at both family and community level.⁵ An escalation of this trend in the face of climate change will have ramifications for the capacity of women to engage in formal volunteering. On the other hand, recognising, formalising and supporting this work as ‘volunteering’ could potentially streamline the provision and coordination of response and recovery services by NFPs and governments and may allow for a better assessment of available local resources.

The effect of women’s unpaid work on capacity to formally volunteer

The barriers that women face to workforce participation can also be barriers to women participating in formal volunteering roles, including:

- the affordability and accessibility of early childhood education and care,
- the unequal distribution of unpaid care work between men and women,
- societal gender norms which limit choice of activity, and
- the impact of gender-based violence.

At the Jobs and Skills Summit in September 2022, ERA made the point that *‘most women are already working full-time, even more than full-time. We’re just*

⁵ See for example Tondorf, Christine *On International Women’s Day, we salute the women working on the Coast’s Flood recovery* Social Futures 7 Mar, 2022 <https://socialfutures.org.au/on-international-womens-day-we-salute-the-women-working-on-the-coasts-flood-recovery/> Accessed 11/9/22

*not paid for it.*⁶ Unpaid care is a form of work which is not recognised in either our formal economy or in our understanding of volunteering. The skills shortage in the paid workforce has been mirrored by a skills shortage in the world of volunteering, especially since the COVID-19 pandemic. Current research suggests fewer women volunteer than men.⁷ Mobilising more women into formal volunteering will require a robust approach to addressing these barriers.

Another key barrier to women's participation in formal volunteering arises in employment by NFPs, particularly in women-dominated industries. NFP employees tend to be strongly committed to the values and aims of their work. Working closely with clients experiencing significant trauma, physical harm and systemic discrimination creates frustration and distress in employees where resources are inadequate to address the level of need. The result in many workplaces is the development of a culture of employees working beyond their remunerated hours and sometimes outside the scope of their employment to meet the level of need.

It is very difficult to find evidence of the extent to which female dominated industries such as the community sector are reliant on unpaid work provided by mostly female workforces. However, anecdotal evidence of this practice abounds. The National Women's Alliances are a rare, identified example of this problem. The most recent evaluation of the Alliance model found that:

“a key consequence of NWA's limited funding is the NWA's heavily reliance on the unpaid labour from the women's sector. This work is largely provided by volunteer workers, paid employees working longer hours than they are remunerated for, and donated staff time from the auspicing agencies. ...To allow Alliances to succeed in informing policy and decision making, and to future-proof the voice of under-represented women in government, greater funding is required.”⁸

[emphasis as per original]

⁶ Intervention by Helen Dalley-Fisher, Equality Rights Alliance at the Jobs and Skills Summit on 1 September 2022 <https://www.equalityrightsalliance.org.au/era-at-the-jobs-and-skills-summit/>

⁷ See for example: Biddle, N., Boyer, C., Gray, M., & Jahromi, M. (2022) *Volunteering in Australia: The Volunteer Perspective*. Volunteering Australia pg 28, fig. 7 <https://volunteeringstrategy.org.au/wpcontent/uploads/2022/10/Volunteering-in-Australia-2022-The-Volunteer-Perspective.pdf>

⁸ Department of the Prime Minister and Cabinet, Global Institute for Women's Leadership and the Office for Women, *Evaluation of the National Women's Alliances Model*, 2023 at 13 <https://www.pmc.gov.au/resources/evaluation-national-womens-alliances-model>

Under-funding wages and the use of funding models which make insufficient provision for staffing levels in NFPs creates the perfect conditions for reliance on unpaid work, limiting the time available to employees for formal volunteering work.

Recommendations:

- 4. fund research in the areas identified as information gaps in the *National Strategy for Volunteering*, particularly research into the relationship between volunteering and gender.**

We support the recommendations by ACOSS in their 2023 report '*At the precipice: Australia's community sector through the cost-of-living crisis, findings from the Australian Community Sector Survey*'⁹ particularly the following recommendations:

- 5. Fund the full cost of service delivery, including infrastructure, management, workforce development and administration costs in all Commonwealth grants and contracts for community services.**
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⁹ Cortis, N. and Blaxland, M. (2023) *At the precipice: Australia's community sector through the cost-of-living crisis, findings from the Australian Community Sector Survey*. Sydney: ACOSS at 8